

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FREDERICK BANKS,</b>	:	<b>CIVIL ACTION NO. 1:11-CV-564</b>
<b>Petitioner</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>BRENDAN T. CONWAY, et al.,</b>	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 31st day of May, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge Thomas M. Blewitt (Doc. 5), recommending that the Petition for Writ of Mandamus (Doc. 1) be dismissed, and, following an independent review of the record and noting that petitioner filed objections<sup>1</sup> to the report on April 20, 2011 (Doc. 6), and the court finding Judge Blewitt's analysis to be thorough and well-reasoned, and the court finding petitioner's objections to be without merit and squarely addressed by Judge Blewitt's report, it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of the magistrate judge (Doc. 5) are ADOPTED.
2. The Petition for Writ of Mandamus (Doc. 1) is DISMISSED.
3. The Motion for Leave to Proceed *in forma pauperis* (Doc. 2) is GRANTED solely for the purpose of filing this action.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge